

1900-019
Lee Co.

Chancery Causes: Catherine Dingus vs. William D. Dingus

Kyle, Miller, Robinett

CA-Divorce

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of
Lee County, Virginia:

Humbly complaining your oratrix Catherine Dingus will respectfully show to your Honor that several years ago she intermarried with one William D.Dingus. At the time of said marriage your oratrix was a citizen of the state of Tennessee and the said William D.Dingus was a citizen of, and resident in Virginia; that after said marriage your oratrix and her said husband went to reside in Lee County Virginia, where they continued to reside together as husband and wife until something like four years ago when her said husband, the said William D.Dingus, for some reason unknown to her, became profligate, wasteful, dissatisfied and abusive, and finally after wasting all of the very respectable property which your oratrix owned at the time of her marriage, abandoned your oratrix and her five little children, left the state of Virginia and now claims as she is informed, ~~the~~ he is married to and living with another woman in the state of West Virginia.

Your oratrix will now show your Honor that she was, to her said husband, a faithful, industrious and loving wife during all the time that they lived together as husband and wife, and she would have continued to be such had he remained with her and permitted her.

Your oratrix will now show your Honor that she has resided in ^{Lee County} Virginia for the last fifteen years, that she is still a resident of said County of Lee; that her said husband abandoned and left her more than three years ago and is fully determined as she believes never to live with her again.

Now the object of this bill is to procure a dissolution of the bonds of matrimony now existing between her and the said William D. Dingus, and to this end she makes the said William D.Dingus a party defendant to this bill and prays that he be required to answer the same, but he need not do so on oath that being waived, and upon a final hearing she prays that the bonds of matrimony now existing between her and the said William D.Dingus be dissolved. And she prays for full general relief. May Spa. issue &c.

C. J. Duncan
Atty for Plff.

Catherine Dingus,
By Counsel.

Catherine Dingus
vs. { Bill Chy.

William D. Dingus

1900. 2nd Feby Rules Bill
filed & accepted
" 1st March rules taken
the last Monday in Feby
Cause set for hearing

1900 March Term Deere
final see Chy Order
Book No 6 Page 35/02

Plff Costs
Clerk 4.65
Tax 1.50
Shff 50
atty 15.00
J.P.

1900 to 10

Catherine Dingus

plff.

Vs.

William D.Dingus

In chancery
Deft.

This cause came on this day to be heard upon the bill of the plaintiff and the depositions of witnesses and was argued by counsel, and it appearing to the Court that process has been duly served on the defendant William D.Dingus by his acceptance thereof and it further appearing to the Court from the depositions of witnesses the the defendant William D.Dingus deserted and abandoned his wife more than three years before the institution of this suit leaving her to maintain herself and her three small children without any cause: On consideration of all of which it is adjudged ordered and decreed that the bonds of matrimony heretofore existing between the said Catherine Dingus and William D.Dingus be and they are hereby dissolved. It is further adjudged ordered and decreed that the said Catherine Dingus ^{the} may retain custody of the three youngest children, and the said defendant is enjoined and inhibited from interfering with said custody. And it is further adjudged ordered and decreed that the plaintiff recover of the defendant the costs of this suit to be taxed by the Clerk for which execution may issue if desired. And this cause is stricken from the docket.

Catherine Dingus
vs. { Decree
William D. Dingus

Entered on Chancery
Order Book No 6
Page 35102

Catherine Dingus

vs.

William D. Dingus

Enter this decree
H A W Stearn
March 6th 1900.

To William D. Dingus,

You will please take notice that on Saturday, the 24th day of February, 1900, at the office of C.T.Duncan in the town of Jonesville, Virginia, I will proceed to take the deposition of Prior J.Miller and others to be read as evidence in my behalf in a suit in chancery now pending in the Circuit Court of Lee County Virginia, in which I am plaintiff and you are defendant. If from any cause said depositions are not completed on that day the taking thereof will be continued from day to day, from time to time, and place to place, until completed. You can attend and cross-examine if you desire.

February, 12th, 1900.

Respectfully

Catherine Dingus.

By Counsel.

Catharine Dingus
vs. Notice to take
of Dispositions
Wm. D. Dingus.

Legal service of this
notice is accepted
This the 15th day of
February 1900.

W. D. Dingus

The depositions of P.J. Miller and others taken at the office of C.T. Duncan in the town of Jonesville on Saturday the 24th day of February 1900, to be read as evidence in the Chancery cause now pending in the Circuit Court of Lee County in which Catherine Dingus is plaintiff and William D. Dingus is defendant.

Present C.T. Duncan attorney for the plaintiff

No witness appearing the further taking of depositions in this case is adjourned to the 27th day of February 1900 at the same place. This the 24th day of February, 1900.

W.B. Munsey J.P.
Circuit Court Clerk & Commissioner in Chancery

Met pursuant to adjournment at the office of C.T. Duncan in the town of Jonesville, on Tuesday the 27th day of February 1900.

W.B. Munsey J.P.
Circuit Court Clerk & Commissioner in Chancery

T.R. Kyle, a witness of lawful age, introduced by the plaintiff deposes and says:-

Q.1.-- Please state your age, residence and occupation.

A.-- I am 43 years old, reside at Hunter's Gap in the County of Lee I formerly resided near Robinett Tennessee which is very close to the Virginia state line. I am a physician.

Q.2.-- Are you acquainted with the plaintiff, Catherine Dingus, and the defendant William D. Dingus, who are the parties to this suit and if you answer that you are please state how long you have known them

A.-- I am acquainted with both Catherine and William D. Dingus and have known them over twenty years. I lived on an adjoining farm to them for several years, until said William D. Dingus left this state. They lived in Virginia and I lived in Tennessee. The said Catherine Dingus still lives at the same place in Virginia.

Q.3.-- How long since William D. Dingus left this state and please state whether or not he took his said wife with him, or abandoned and left her.

A.-- He left here something over four years ago. He did not take his wife with him, but abandoned and left her. Before he left his said wife he was guilty of many acts of infidelity to her, and I have

heard, In fact he told me himself that he had another woman with whom he was living in the state of West Virginia.

And further this deponent said not.

T. R. Kyle

P.J. Miller, another witness of lawful age being introduced by the plaintiff deposes and says:-

Q.1.-- Please state your age residence and occupation.

A.-- I am 51 years old. I live near Robinett in the state of Tennessee. and I am a farmer.

Q.2-- What official position if any do you hold in Tennessee?

A.-- I am a justice of the peace in Hancock County Tennessee.

Q.3.-- Are you acquainted with the plaintiff Catherine Dingus, in this suit, and with Her husband William D. Dingus, if so how long have you known each of them?

A.-- I am acquainted with each of them and have been for 20 or more years. The plaintiff Catherine Dingus lives across the line in Virginia, and within about one mile of where I live and has lived there all her life, on the same farm.

Q.4.-- About how long ago was she and the defendant William Dingus married to each other, and if there are any children born to them during said marriage please state how many?

A.-- They were married to each other some twelve or fifteen years ago. There are five children born to them during said marriage, two of whom have been taken away from their mother by the said W.D. Dingus and the other three are still with her.

Q.5.-- Is it not a fact that the said Catherine Dingus at the time of her intermarriage with the said William D. Dingus had a right pretty little property all of which has been wasted for the material part of it by her said husband?

A.-- The said plaintiff Catherine Dingus was of good family, being a daughter of the ~~Rev~~ Jacob Brotherton who for a long time was one of the Justices of Hancock County Tenn. and the owner of considerable land both in Virginia and Tenn. At the time of her marriage the said

Catherine had some personal property and some interest in land, but the exact amount of personal property owned by her or of land which came to after her father's death, I do not know with certainty, but all the personal property is now gone and as to how the real estate is I do not know. She is still living on a little piece of land which she claims.

Q.6.-- Please state if it is not a fact that the defendant the said William D.Dingus has abandoned his wife, left the state of Virginia and left her to shift for herself.

A.-- He has.

Q.7.-- Please state as nearly as you can when he abandoned and left her.

A.-- She claims that he has made no provisions for her of any kind for more than five years, but he left the state and left her absolutely as above stated about four years ago.

Q.8.-- Do you know where he is now, and if you have been informed by him or others that he had taken up with and was living with another woman please state it.

A.-- He now lives in West Virginia and he informed me himself that he was living with another woman that he loved better, and that he never intended to live with his wife, Catherine any more.

Q.9.-- Please state the general character and deportment of the said Catherine since you have known her both during the time she lived with her said husband and since.

A.-- Her general character is good, and she is an industrious, energetic and well behaved woman. She was this while they lived together as husband and wife, and the same is her character since he left her.

Q.10.-- What was the general character for chastity and morality?

A.-- It was bad.

And further this deponent saith not.

J. H. Miller

J.H.Robinett another witness of lawful age introduced by the plaintiff deposes and says:

~~XXXX~~ I am 49 years old, I live at Robinett Tenn. and on the

and on the Virginia and Tenn. state line about one and one fourth miles from where Catherine Dingus now lives, and where William D. Dingus formerly lived. I have known the said Catherine ever since she was a child, and have known said William ever since he was a small boy.

The said William and the said Catherine were married to each other some twelve or fifteen years ago and lived together until she bore him five children, and about four or five years ago he abandoned ~~ed~~ her, left the state of Virginia and left his said wife and children to shift for themselves, until some two years ago, he came in and took the boy next to the oldest and kept him about one year, brought him back and took the oldest boy off with him then he came back this last fall and took said second boy away with him again~~x~~ and now has them both. The other three children are with their mother. These three are small and almost helpless. The two boys which he has taken away from her are old enough and large enough to do pretty good work and if he had left them with their mother they could have helped her very much. The general character of Catherine Dingus is good. She is an industrious woman and as far as I could ever see or tell, a faithful wife. I have been informed by his two little boys above spoken of that their father is living with another woman in the state of West Virginia. The general character of William D. Dingus both for chastity and morality was very bad. He not only run after bad women while he was here but was intemperate and profligate.

And further this deponent saith not.

J. H. Robinett

Virginia Lee County to wit:-

I, A.B. Munsey, Clerk of the Circuit Court of Lee County Virginia and a commissioner in Chancery in and for said Circuit Court do certify that the foregoing depositions of T.B. Kyle, P.J. Miller, and J.H. Robinett, were taken, sworn to and subscribed before me ~~me~~ at the time and place mentioned in the caption and adjournment and pursuant to the notice hereto attached, for the purpose of being read as evidence in behalf of the plaintiff in the chancery cause of Catherine Dingus

against William D. Dingus now pending in the Circuit Court of Lee
County, ~~which said depositions were taken~~ Given under my hand this
the 27th day of February, 1900.

A. B. Munsey
Circuit Court Clerk & Commissioner in Chancery.

Catherine Dingus
v. { Depositions

Wm. R. Dingus

Depositions of

T. R. Kyle

P. J. Miller

J. H. Robbette

Taken before me as Comr
in Chancery & filed Feb'y
the 27th 19th 1908
A. B. Munsey Clerk

A. B. Munsey Comr.
for taking Depositions
2 hours \$1.50

\$2.00 Paid by P. J. Miller

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Wm. D. Dingus

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held

for the said court, on the *3rd* Monday in *February 1900* ~~1899~~, to answer a

bill in chancery exhibited against *him* in our said court by *Catherine*

Dingus

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the

court-house, the *12th* day of *February 1900* ~~1899~~, and in the 12 *4th* year of the

Commonwealth.

A. B. Munsey Clerk

Catherine Dingus
US. { SUBPOENA
IN CHANCERY

Wm D Dingus

C. T. Duncan p. q.

To 2nd Feby Rules.

1900 Circuit Court.

Legal service of
this summons is hereby
accepted. This the
15th day of February 1900

W D Dingus
Estate of Effie Webb